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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,076	09/30/2003	Jeyhan Karaoguz	14275US02	5075
23446 7590 04/18/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER FRINK, JOHN MOORE	
			ART UNIT	PAPER NUMBER
			2142	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/675,076

Applicant(s)

KARAOGUZ ET AL.

Examiner

John M. Frink

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Summary of Interview

1. Regarding the telephone call addressed by Applicant which occurred on March 15, 2007, no agreement was made that the amendments to claims 1, 11, 21 and 27 would overcome the rejection under 35 USC 112, second paragraph. Therefore, said rejection is not withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over SONICblue Incorporated (ReplayTV 4000 User Guide, 2001) in view of Van Der Schaar et al. (US 2002/0006161 A1).

4. Regarding claims 1 and 11, SONICblue shows a method for, and a machine-readable storage, that, when executed, causes a computer to perform steps comprising: controlling communication of media from system including a digital video recording device and a television, without consuming the media by said television or said digital video recording device, and transferring the media from a first location to at least a second location according to said controlling communication (pg. 55).

SONICblue does not show where said digital video recorder device and said television are combined into one device, resulting in said controlling communication being by said television.

Van Der Schaar et al. show where said digital video recorder device and said television are combined into one device, resulting in said controlling communication being by said television (Fig. 8, [0045]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of SONICblue with that of Van Der Schaar et al. in order to enable a simplified device; all functionally would be provided by one unit, removing the need to connect said television and said digital video recorder and thus simplifying the set-up and operation of said device.

5. Regarding claim 21, SONICblue in view of Van Der Schaar et al. further show a media peripheral and a television within a media processing system (Van Der Schaar et al., Fig. 8, [0045]) that is utilized to arrange media peripheral for playback on said media peripheral, along with communication pathway that operates independent of the television through which the media is delivered is also shown (SONICblue, pg. 55 and pg. 59 - 60).

6. Regarding claims 2, 3, 12, 13, 22 and 23, SONICblue in view of Van Der Schaar et al. further show generating at least one command from said television causing said transfer of the media, as well as receiving at least one command that results in said transfer of media from said first to said second location (SONICblue, pg. 59 - 60).

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7. Regarding claims 4, 5, 14 and 15, SONICblue in view of Van Der Schaar et al. further show receiving at least one request by said television for said controlling communication of the media, that further results in said transfer of the media (SONICblue, pg. 59 - 60).

8. Regarding claims 6 and 16, SONICblue in view of Van Der Schaar et al. further show where said first and said second location correspond to a location of at least one media peripheral, a media processing system a media storage system, a personal computer, and a third party media provider (SONICblue, pg. 55).

9. Regarding claims 7 and 17, SONICblue in view of Van Der Schaar et al. further show where said first location and said second location is at least one of co-located and remotely located (SONICblue, pg. 55 and pg. 59 – 60).

10. Regarding claims 8 and 18, SONICblue in view of Van Der Schaar et al. further show displaying a user interface on a display of said television for said controlling communication of said transfer of media (pg. 57 and pg. 60).

11. Regarding claims 9 and 19, SONICblue in view of Van Der Schaar et al. further show scheduling said transfer of media from said first location to at least a second location utilizing said television without consuming the media (SONICblue, pg. 22 and Chapter 5).

12. Regarding claim 10 and 20, SONICblue in view of Van Der Schaar et al. further show storing said transferred media in at least one of said first location and said second location (SONICblue, Chapter 3, pg. 22 and pg. 55 and pg. 59 – 60).

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13. Regarding claim 24, SONICblue in view of Van Der Schaar et al. further show where said television displays a user interface that is utilized to control said media delivery (SONICblue, Chapter 3, pg. 20, pg. 25 and pg. 33, Chapter 5, pg. 57 and pg. 60).

14. Regarding claim 25, SONICblue in view of Van Der Schaar et al. further show where said user interface provides an indication of said media peripheral (SONICblue, Chapter 1, pg. 5, Chapter 30, pg. 20, pg. 35 ('Recording dots' side box), Chapter 5, pg. 57).

15. Regarding claim 26, SONICblue in view of Van Der Schaar et al. further show where upon selection of said media peripheral in said user interface, said media delivery is initiated (SONICblue, Chapter 3, pg. 25 – 27, Chapter 5, pg. 60).

16. Regarding claim 27, SONICblue in view of Van Der Schaar et al. further show a system supporting communication of media, the system comprising a media peripheral located at a first home and a television located at a second home, wherein said television is utilized to arrange delivery of media to said media peripheral (SONICblue, Chapter 5, pg. 57 – 61).

17. Regarding claim 28, SONICblue in view of Van Der Schaar et al. further show where said television retrieves stored media and transfers said stored media to at least one of a media peripheral located at a first home and a media peripheral remotely located with respect to said first home (SONICblue, Chapter 5, pg. 57 – 61).

18. Regarding claim 29, SONICblue in view of Van Der Schaar et al. further show where said television schedules said delivery of media to said media peripheral (SONICblue, Chapter 5, pg. 57 – 62).

19. Regarding claim 30, SONICblue in view of Van Der Schaar et al. further show where said television redirects delivery of media to said media peripheral without said television at least one of receiving and consuming the media (SONICblue, Chapter 5, pg. 57 – 62).

Response to Arguments

20. With regard to applicants' remarks mailed on 3/21/2007:

Regarding the rejection of claims 1-2, 4, 8-9, 11-12, 14, 18-19 and 21-24 under 35 USC 112, second paragraph, Applicant argues that the term 'television' is sufficiently clear in light of the specification. Applicant further argues that the revised claims, which specify said television is now used in connection with a media processing system, is also valid.

However, the claims as amended still specify that controlling communication is transferred by said television. The rejection under 35 USC 112 second paragraph stands as Applicants remarks can not be held as persuasive regarding patentability.

Regarding the rejections of claims 1 – 30 under 35 USC 102(a) and 35 USC 102(b), the arguments have been considered and are deemed persuasive.

Therefore, said rejections have been withdrawn. However, upon further consideration, new grounds of rejection are made in view of the references identified above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

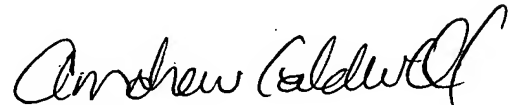
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW CALDWELL
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